

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

<b>CAROL ECKMAN,</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>vs.</b>	)
	)
<b>SMITHFIELD FOODS, INC.,</b>	)
	)
<b>Defendant.</b>	)

**Case No. 4:18-cv-00598**

**DEFENDANT SMITHFIELD FOODS, INC.'S  
NOTICE OF REMOVAL**

Defendant Smithfield Foods, Inc. (“Smithfield”) files this Notice of Removal of the case filed by Carol Eckman (“Plaintiff”) in the Circuit Court of Jackson County, Missouri bearing case number 1816-CV-15417 (the “State Court Action”), because the complaint on its face alleges claims for relief under federal law. This Court therefore has jurisdiction over this case pursuant to 28 U.S.C. § 1331. In support thereof, Smithfield respectfully states:

**FACTUAL BACKGROUND**

Plaintiff formerly was employed by Smithfield Direct, LLC (formerly known as Armour-Eckrich Meats LLC, a wholly-owned subsidiary of Smithfield Foods, Inc.), as the manager of the Kansas City branch, from January 2013 until June 2015, when her employment was terminated because of serious concerns about her performance as a manager. Plaintiff alleges that she was terminated because of her gender and age, and in retaliation for complaining about her manager’s conduct towards her. Her seven-count complaint, filed in the Circuit Court of Jackson County on June 16, 2018, alleges claims for age discrimination and retaliation under the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*, claims for sex discrimination and retaliation under Title VII of the Civil Rights Act of 1964, as amended, 42

U.S.C. § 2000-e2, *et. seq.*, and analogous claims under the Missouri Human Rights Act, R.S. Mo. §213.010 *et al.*

**COMPLIANCE WITH 28 U.S.C. § 1446(a)**

Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is accompanied by copies of all documents filed in the State Court Action, which are attached as **Exhibit A**. There are not any pending motions in the State Court Action at the time of filing this Notice of Removal. Plaintiff filed the State Court Action on June 16, 2018, and Smithfield was served with Plaintiff's complaint on July 6, 2018. Smithfield did not file an answer in the State Court Action, but is filing an answer in this Court today. This case is being removed within thirty (30) days of Smithfield's receipt of Plaintiff's complaint, in accordance with 28 U.S.C. § 1446(b).

**VENUE IS PROPER**

Venue is proper in this district pursuant to 28 U.S.C. § 1441(a) because this district embraces the place in which the removed action was pending.

**STATE COURT NOTICE OF REMOVAL**

In accordance with 28 U.S.C. § 1446(d), Smithfield is serving written notice of this Notice of Removal to all adverse parties promptly after its filing and will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Jackson County, Missouri.

Pursuant to these statutes and in conformance with the requirements of 28 U.S.C. § 1446, Defendant Smithfield Foods, Inc. hereby removes this action from the Circuit Court of Jackson County, Missouri on this 5th day of August, 2018.

Respectfully submitted,

POLSINELLI PC

*By: /s/ Jason N.W. Plowman*

JASON N.W. PLOWMAN (MO # 67495)  
KAITLIN E. GALLEN (MO # 65913)  
900 W. 48<sup>th</sup> Place, Suite 900  
Kansas City, MO 64112  
Telephone: (816) 753-1000  
Facsimile: (816) 753-1536  
[jplowman@polsinelli.com](mailto:jplowman@polsinelli.com)  
[kgallen@polsinelli.com](mailto:kgallen@polsinelli.com)

HUNTON ANDREWS KURTH LLP

ANDREA R. CALEM (motion for *pro hac vice* admission forthcoming)  
MADELYN DOUCET (motion for *pro hac vice* admission forthcoming)  
2200 Pennsylvania Avenue, N.W.  
Washington, DC 20037  
Telephone: (202) 955-1500  
Facsimile: (202) 778-2201  
[acalem@hunton.com](mailto:acalem@hunton.com)  
[mdoucet@hunton.com](mailto:mdoucet@hunton.com)

ATTORNEYS FOR DEFENDANT  
SMITHFIELD FOODS, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been on Plaintiff through her counsel of record this 6th day of August, 2018:

Amy P. Maloney, Esq.  
Matt J. O'Laughlin, Esq.  
MALONEY O'LAUGHLIN, LLC  
Two Pershing Square  
2300 Main Street, Ste. 900  
Kansas City, MO 64108

Anne Schiavone, Esq.  
Kirk D. Holman, Esq.  
HOLMAN SCHIAVONE, LLC  
4600 Madison Ave., Suite 810  
Kansas City, MO 64112

*/s/ Jason N.W. Plowman*

099999/028607-64721921.1